

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

LARRY K. WILLIAMS,

Plaintiff,

v.

Case No. 3:20-cv-1452-TJC-MCR

MOMIN AQEEL,

Defendant.

\_\_\_\_\_ /

**REPORT AND RECOMMENDATION**<sup>1</sup>

**THIS CAUSE** is before the Court on the Court's Order dated May 20, 2021 (Doc. 9).

On April 29, 2021, the Court entered an Order denying without prejudice Plaintiff's Affidavit of Indigency ("Application") (Doc. 2), construed as a motion for Plaintiff to proceed *in forma pauperis*, and Plaintiff's Motion for Default Judgement (Doc. 5). (Doc. 8.) The Court directed Plaintiff to file a completed and notarized Application to Proceed in District Court Without

---

<sup>1</sup> "Within 14 days after being served with a copy of [this Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations." Fed.R.Civ.P. 72(b)(2). "A party may respond to another party's objections within 14 days after being served with a copy." *Id.* A party's failure to serve and file specific objections to the proposed findings and recommendations alters the scope of review by the District Judge and the United States Court of Appeals for the Eleventh Circuit, including waiver of the right to challenge anything to which no specific objection was made. *See* Fed.R.Civ.P. 72(b)(3); 28 U.S.C. § 636(b)(1)(B); 11th Cir. R. 3-1.

Prepaying Fees or Costs (Long Form) and an amended complaint or pay the appropriate filing fee, no later than May 19, 2021. (*Id.* at 11-12.) Plaintiff was cautioned that failure to comply with the Order would likely result in a recommendation to the District Judge that the case be dismissed for lack of subject-matter jurisdiction, and/or failure to state a claim on which relief may be granted. (*Id.* at 12.)

The Court's April 29, 2021 Order was returned on May 17, 2021 by the United States Postal Service and marked as "unable to forward." As a result, on May 20, 2021, the Court entered an Order *sua sponte* directing Plaintiff to show cause by June 1, 2021 as to "why this case should not be dismissed for failure to keep the Court apprised of his address or otherwise prosecute the case." (Doc. 9 at 1.) Plaintiff was also instructed to file a notice of change of address with the Court by June 1, 2021 and was advised that he must keep the Court informed of his current mailing address at all times. (*Id.* at 2.) Plaintiff was also warned that his failure to timely comply with the Order to Show Cause may result in the undersigned recommending the District Judge dismiss this case without further notice. (*Id.*)

To date, Plaintiff has failed to comply with the Court's April 29, 2021 Order, has not filed a response to the Order to Show Cause, has not sought an extension of time to comply with the Court's Orders, has not updated his address with the Court, and has not paid the filing fee. Based on the

foregoing, the undersigned recommends that the case be dismissed for lack of prosecution.

Accordingly, it is respectfully **RECOMMENDED** that this case be **DISMISSED without prejudice**, and the Clerk of Court be directed to terminate any pending motions and close the file.

**DONE AND ENTERED** at Jacksonville, Florida, on June 4, 2021.



MONTE C. RICHARDSON  
UNITED STATES MAGISTRATE JUDGE

Copies to:

The Honorable Timothy J. Corrigan  
United States District Judge

*Pro Se* Plaintiff (at address of record)